

HAYS COUNTY COURT AT LAW

CHAPTER 298 ⁷¹

H. B. No. 806

An Act relating to creation of the County Court at Law of Hays County and conforming the jurisdiction and procedures of the County Court of Hays County; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is created a court in Hays County to be called the County Court at Law of Hays County.

Sec. 2. (a) The county court at law has the same jurisdiction over all causes and proceedings, civil, criminal, original, and appellate, prescribed by the law for county courts, and its jurisdiction is concurrent with that of the County Court of Hays County. However, the county court at law does not have jurisdiction over eminent domain proceedings or over causes and proceedings concerning roads, bridges, and public highways which are now within the jurisdiction of the commissioners court or County Court of Hays County.

(b) The county court at law has the general jurisdiction of a probate court within the limits of Hays County, and its jurisdiction is concurrent with that of the County Court of Hays County in probate matters and in proceedings.

(c) The county court at law, or its judge, has the power to issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all writs necessary for the enforcement of the jurisdiction of the court; and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the court, or of any other court in the county of inferior jurisdiction. The court and judge also have the power to punish for contempt as prescribed by law for county courts. The judge of the county court of law has all other powers, duties, and immunities and privileges provided by law for county court judges, and he is a magistrate and conservator of the peace.

(d) The County Judge of Hays County is a judge of the County Court of Hays County. All ex officio duties of the county judge shall be exercised by the Judge of the County Court of Hays County except insofar as the same are, by this Act, committed to the Judge of the County Court at Law of Hays County.

Sec. 3. The terms of the County Court at Law of Hays County are the same as those for the County Court of Hays County, Texas.

Sec. 4. (a) At the next general election after the effective date of this Act, there shall be elected a judge of the County Court at Law of Hays County who must have been a duly licensed and practicing member of the State Bar of Texas for not less than three years, who must be well informed in the laws of this state, and who must have resided and been actively engaged in the practice of law in Hays County, Texas, for a period of not less than one year prior to the general election. The judge elected holds office for four years and until his successor has been duly elected and has qualified.

71. Vernon's Ann.Civ.St. art. 1970—358, §§
1 to 7.

(b) When this Act becomes effective, the Commissioners Court of Hays County, Texas, shall appoint a judge to the County Court at Law of Hays County. The judge appointed must have the qualifications prescribed in Subsection (a) of this section and serves until the next general election and until his successor has been duly elected and has qualified. Any vacancy occurring in the office of the Judge of the County Court at Law of Hays County may be filled in like manner by the commissioners court and the appointee holds office until the next general election and until his successor has been duly elected and has qualified.

(c) The Judge of the County Court at Law of Hays County shall execute a bond and take the oath of office prescribed by law for county judges. He may be removed from office in the same manner and for the same causes as a county judge.

(d) The Commissioners Court of Hays County shall fix the salary of the Judge of the County Court at Law of Hays County. The judge shall assess the fees prescribed by law for county judges, which shall be collected by the clerk of the court and paid into the county treasury, and which may not be paid to the judge.

(e) A special judge of the county court at law may be appointed or elected as provided by law for county courts. A special judge is entitled to the same rate of compensation as the regular judge.

(f) If a judge of the county court at law is disqualified to try a case pending in his court, the parties or their attorneys may agree on the selection of a special judge for the case. The special judge selected is entitled to the compensation provided in Subsection (e) of this section.

Sec. 5. (a) The county attorney, county clerk, and sheriff of Hays County shall serve as county attorney, clerk, and sheriff, respectively, of the County Court at Law of Hays County. The Commissioners Court of Hays County may employ as many assistant county attorneys, deputy sheriffs, and bailiffs as are necessary to serve the court created by this Act. Those serving shall perform the duties, and are entitled to the compensation, fees, and allowances prescribed by law for their respective offices in Hays County.

(b) The judge of the county court at law may appoint an official court reporter who serves at the pleasure of the judge and who is entitled to the compensation fixed by the commissioners court. The official court reporter must have the qualifications prescribed by law for district court reporters.

(c) The seal of the court shall contain the words "County Court at Law of Hays County," but in other respects is identical with the seal of the County Court of Hays County.

Sec. 6. (a) Practice in the County Court at Law of Hays County shall conform to that prescribed by law for the County Court of Hays County, Texas.

(b) The judges of the county court and the county court at law may transfer cases to and from the dockets of their respective courts in order that the business may be equally distributed between them. However, no case may be transferred from one court to the other without the consent of the judge of the court to which it is transferred; and no case may be transferred to the County Court at Law of Hays County unless it is within the jurisdiction of that court.

(c) The county judge and the judge of the county court at law may freely exchange benches and courtrooms with each other so that if one is ill, disqualified, or otherwise absent, the other may hold court for him

without the necessity of transferring the cause or proceeding, civil, criminal, or probate, involved. Either judge may hear all or any part of a cause or proceeding pending in the county court or county court at law; and he may rule or enter orders on and continue, determine, or render judgment on all or any part of the cause or proceeding without the necessity of transferring it to his own docket. However, the judge of the county court at law may not sit or act in any cause or proceeding over which exclusive jurisdiction is vested by this Act in the Hays County Court.

Sec. 7. (a) The jurisdiction and authority now vested by law in the county clerk and the county judge of Hays County for the drawing, selection, and service of jurors and talesman shall be also exercised by the county court at law and its judge. Jurors and talesmen summoned for either court may by order of the judge of the court to which they are summoned be transferred to the other court for service. Upon concurrence of the judge of the county court at law and the county judge, jurors may be summoned for service in both courts and used interchangeably.

(b) Jurors regularly impaneled for a week by the district court or courts may, on request of either the county judge or the judge of the county court at law, be made available and shall serve for the week in either the county court or county court at law.

Sec. 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 12, 1973: Yeas 127, Nays 0 and 3 present not voting; passed by the Senate on May 17, 1973: Yeas 31, Nays 0.

Approved June 11, 1973.

Effective June 11, 1973.

RAPE—MEDICAL EXAMINATION OF VICTIM— PAYMENT OF COSTS

CHAPTER 299⁷²

H. B. No. 857

An Act relating to the payment of the costs of medical examinations of rape victims; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any law enforcement agency that requests a medical examination of a victim of an alleged rape for use in the investigation or prosecution of the offense shall pay all costs of the examination.

Sec. 2. This Act does not require a law enforcement agency to pay any costs of treatment for injuries.

⁷² Vernon's Ann.Civ.St. art. 4447m, §§ 1.